

Part 2

County Annexation

17-2-201 Title.

This part is known as "County Annexation."

Enacted by Chapter 350, 2009 General Session

17-2-202 Definitions.

As used in this part:

- (1) "Annexing county" means the county to which a portion of an adjoining county is annexed or proposed to be annexed as provided in this part.
- (2) "Initiating county" means the county, from which a portion is annexed or proposed to be annexed to an adjoining county.

Enacted by Chapter 350, 2009 General Session

17-2-203 Annexation of portion of county to adjoining county -- Petition -- Election -- Ballot.

- (1)
 - (a) Except as provided in Section 17-2-209, if a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding general election within that portion of the county, desire to have the territory within which they reside included within the boundaries of an adjoining county, they may petition the county legislative body of the county in which they reside and the county legislative body of the adjoining county.
 - (b) Each petition under Subsection (1)(a) shall be presented before the first Monday in June of a year during which a general election is held.
 - (c) If a petition is presented under Subsection (1)(a), at the ensuing regular general election:
 - (i) the legislative body of the initiating county shall cause the proposition to be submitted to the legal voters residing in the initiating county; and
 - (ii) the legislative body of the annexing county shall cause the proposition to be submitted to the legal voters of the annexing county.
- (2)
 - (a) Except as otherwise provided, the election provided in Subsection (1) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.
 - (b) The ballot to be used shall be:

For annexing a portion of ____ county to ____ county.

Against annexing a portion of ____ county to ____ county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-204 Certification of election result to governor.

In an election held under Subsection 17-2-203(1), if it appears from the certified report that the lieutenant governor receives under Section 20A-4-304 that a majority of those voting in each county have voted in favor of the annexation, the lieutenant governor shall certify the result of the vote to the governor.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-205 Governor's proclamation -- Notice to lieutenant governor -- Recording requirements -- Effective date.

- (1) Upon receipt of the lieutenant governor's certification under Section 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each county, and that the annexation of the territory to the annexing county will take effect as provided in Subsection (3).
- (2) The legislative body of the annexing county shall:
 - (a) within 30 days after the issuance of the governor's proclamation under Subsection (1), send to the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5, submit to the recorder of the annexing county:
 - (i) the original notice of an impending boundary action;
 - (ii) the original certificate of consolidation;
 - (iii) the original approved final local entity plat; and
 - (iv) a certified copy of the governor's proclamation under Subsection (1).
- (3)
 - (a) An annexation approved at an election under Section 17-2-203 takes effect on January 1 of the year immediately following the lieutenant governor's issuance of a certificate of annexation under Section 67-1a-6.5.
 - (b)
 - (i) The effective date of a county annexation for purposes of assessing property within the annexing county is governed by Section 59-2-305.5.
 - (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the recorder of the county in which the property is located, an annexing county may not:
 - (A) levy or collect a property tax on property in the annexing county that used to be in the initiating county;
 - (B) levy or collect an assessment on property in the annexing county that used to be in the initiating county; or
 - (C) charge or collect a fee for service provided to property within the annexing county that used to be in the initiating county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-206 Territory becomes part of annexing county -- Division of revenues.

- (1) Upon the effective date of the annexation, all the area proposed to be annexed shall become part of the annexing county.
- (2)
 - (a) The legislative body of the initiating county shall:
 - (i) until the date of annexation, continue:
 - (A) to levy and collect ad valorem property tax and other revenues from or pertaining to the area; and
 - (B) except as otherwise agreed with the annexing county, to provide the same services to the area proposed to be annexed as the initiating county provided before the commencement of the annexation proceedings; and

- (ii) after annexation, share pro rata with the annexing county the taxes and service charges or fees levied and collected by the initiating county during the year of the annexation if and to the extent that the annexing county provides, by itself or by contract, the same services for which the initiating county levied and collected the taxes and service charges or fees.
- (b) The pro rata allocation of taxes under Subsection (2)(a)(ii) shall be based on the date of annexation, and the pro rata allocation of service charges and fees shall be based on the proportion of services related to the service charges and fees that remain to be rendered after annexation.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-207 Effect on precincts and school districts.

- (1) The precincts and school districts in the annexed territory:
 - (a) continue;
 - (b) become precincts and school districts in the annexing county; and
 - (c) remain as then organized until changed in the manner provided by law.
- (2) The officers of those precincts and school districts hold their respective offices until the expiration of their terms.
- (3) If a precinct or school district is divided because of a county annexation under this part:
 - (a) the precinct or school district is disorganized, and the property and territory embraced in the precinct or school district is subject to the action of the county legislative body of the respective counties; and
 - (b) any bonded or other indebtedness of a school district attaches to and becomes the obligation of the district that is created out of the territory that retains the buildings and other property of the original district.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-208 Pending criminal proceedings.

All criminal proceedings and actions pending in the annexed territory at the time of annexation shall be prosecuted to judgment and execution in the annexed territory as part of the annexing county. All offenses committed in the annexed territory before annexation that have not been prosecuted may be prosecuted to judgment and execution in the annexed territory or any part of the annexing county.

Renumbered and Amended by Chapter 350, 2009 General Session

17-2-209 Minor adjustments to county boundaries authorized -- Public hearing -- Joint resolution of county legislative bodies -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.

- (1)
 - (a) Counties sharing a common boundary may, in accordance with the provisions of Subsection (2) and Article XI, Section 3, of the Utah Constitution and for purposes of real property tax assessment and county record keeping, adjust all or part of the common boundary to move it, subject to Subsection (1)(b), a sufficient distance to reach to, and correspond with, the closest existing property boundary of record.
 - (b) A boundary adjustment under Subsection (1)(a) may not create a boundary line that divides or splits:

- (i) an existing parcel;
 - (ii) an interest in the property; or
 - (iii) a claim of record in the office of recorder of either county sharing the common boundary.
- (2) The legislative bodies of both counties desiring to adjust a common boundary in accordance with Subsection (1) shall:
 - (a) hold a joint public hearing on the proposed boundary adjustment;
 - (b) in addition to the regular notice required for public meetings of the county legislative bodies, mail written notice to all real property owners of record whose property may change counties as the result of the proposed adjustment; and
 - (c) adopt a joint resolution approved by both county legislative bodies approving the proposed boundary adjustment.
- (3) The legislative bodies of both counties adopting a joint resolution under Subsection (2)(c) shall:
 - (a) within 15 days after adopting the joint resolution, jointly send to the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is located after the boundary adjustment:
 - (i) the original notice of an impending boundary action;
 - (ii) the original certificate of boundary adjustment;
 - (iii) the original approved final local entity plat; and
 - (iv) a certified copy of the joint resolution approving the boundary adjustment.
- (4)
 - (a) As used in this Subsection (4):
 - (i) "Affected area" means an area that, as a result of a boundary adjustment under this section, is moved from within the boundary of one county to within the boundary of another county.
 - (ii) "Receiving county" means a county whose boundary includes an affected area as a result of a boundary adjustment under this section.
 - (b) A boundary adjustment under this section takes effect on the date the lieutenant governor issues a certificate of boundary adjustment under Section 67-1a-6.5.
 - (c)
 - (i) The effective date of a boundary adjustment for purposes of assessing property within an affected area is governed by Section 59-2-305.5.
 - (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the recorder of the county in which the property is located, a receiving county may not:
 - (A) levy or collect a property tax on property within an affected area;
 - (B) levy or collect an assessment on property within an affected area; or
 - (C) charge or collect a fee for service provided to property within an affected area.
- (5) Upon the effective date of a boundary adjustment under this section:
 - (a) all territory designated to be adjusted into another county becomes the territory of the other county; and
 - (b) the provisions of Sections 17-2-207 and 17-2-208 apply in the same manner as with an annexation under this part.

Amended by Chapter 383, 2010 General Session